REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of March 1, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

Claims 1-11 and 13-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. 2003/0225600 to Slivka, *et al.* (hereinafter Slivka). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Slivka, in view of U.S. Published Patent Application No. 2002/0178018 to Gillis, *et al.* (hereinafter Gillis).

Amendments to the Claims

In this response, the claims have been amended to emphasize certain aspects of the claims. In particular, Claims 1 and 13 have been amended to include the further limitation that rebooking flight candidates are presented to the passenger, that the passenger is prompted to select one of the candidate flights, and that the passenger is rebooked on the selected candidate flight. Claim 9 has been amended to include the further limitation that a re-accommodation engine operates to coordinate actions of the claimed system. Claims 2 and 14 now recite that the number of presented candidate flights can be limited based for passengers failing to meeting criteria for high passenger value. Claims 10, 11, and 20 have been amended to maintain consistency among the claims. Claims 12, 22, and 23 have been cancelled. Additionally, new Claims 24-26 are presented. All amendments are fully supported throughout the specification as discussed below. No new matter has been introduced by this amendment.

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Aspects of the Claims

Prior to discussing the cited references, it may be useful to discuss certain aspects of the claims. The claims are directed to a system and method for rebooking passengers when they are unable to travel on the flight they are originally booked on.

The system for rebooking passengers, typified by Claim 9 can include a data store, a re-accommodation engine, and one or more clients. (See, e.g., Specification, para. [0016], and FIG. 1.) In operation, the re-accommodation engine can access the data store to retrieve passenger information, rebooking rules, or flight operations data. (See, e.g., Specification, para. [0017]-[0019].) After retrieving information from the data store, the re-accommodation engine can determine one or more rebooking flight candidates for passengers. The determination can be based on any combination of any type of passenger information, rebooking rules, and available flight information. (See, e.g., Specification, para. [0020]-[0021].) Once the determination is made by the engine, rebooking candidate flights can be presented to a passenger via the client. (See, e.g., Specification, para. [0024].)

In another embodiment, the re-accommodation engine can interact with one or more passengers by using a telephone based voice response unit (VRU). (See, e.g., Specification, para. [0025].) In still another embodiment, the re-accommodation engine can decrease or limit the number of candidiate flights to a passenger if the passenger is determined not to be a high value passenger. (See, e.g., Specification, para. [0023] and [0026].) Afterwards, the passenger can make a selection from the presented candidate flights to prompt the engine to rebook the passenger. (See, e.g., Specification, para. [0024].)

The Claims Define Over the Cited References

As previously noted, independent Claims 1, 9, and 13 were rejected as anticipated by Slivka. Applicants respectfully submit, however, that Slivka fails to disclose each and every element as recited in the claims. In particular, Slivka fails to disclose a system or method for presenting rebooking flight candidates to a passenger and rebooking the passenger based on a selection of one of the candidates by the passenger. Rather, Slivka only discloses systems and methods for automatically rebooking passengers in response to a travel disruption, where the rebooking of passengers is based on criteria and rules specified by travel service providers. (See, e.g., Abstract).

For example, Slivka fails to disclose presenting candidate flights to a passenger prior to rebooking. According to the Office Action, such a feature is disclosed at paragraphs [0044] and [0045]. However, Applicants respectfully submit that the cited portions disclose only the determination of alternative itineraries based on changes in flight schedules, *not* the presentation of these itineraries to passengers. Although Slivka discloses the use of an "output file", this file is only used by the re-accommodation driver disclosed in Slivka to automatically rebook a passenger. (See, paragraph [0045], lines 3-6.) Nowhere, does Slivka disclose that the output file would be presented in any form to the passenger. Rather, Slivka explicitly states that any notification provided to passengers (or others) occurs *after* the rebooking, not before. (See, e.g., FIG. 3, step 390 and accompanying text.) More importantly, such a pre-booking notification system would be contrary to the teachings of Slivka, as Slivka only discloses *automatic* rebooking based passenger and carrier information. (See, e.g., Para. [0015].) In contrast, Claims 1, 9, and 13 explicitly recite that the re-accommodation engine provides passengers with a selection of alternatives *before* rebooking the passenger on another flight.

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Furthermore, Slivka fails to disclose allowing a passenger to make a selection from the list of candidate flights. As noted above, Slivka discloses automatically rebooks a passenger based on a determination of alternative flight stored in the output file. However, because the output file is never presented to the passenger, as noted above, the passenger cannot select the candidate flight to be rebooked on. However, even if presentation of a list of candidate flights were disclosed in Slivka, the only time that passengers provide input in Slivka is at the time of the original booking or when providing information for a passenger profile. (See, e.g., Para. [0024].) Such information can be used by the re-accommodation driver to make a selection in Slivka, but the passenger is still removed from direct involvement in the selection process and selection is still made by the algorithm of the re-accommodation engine. In contrast, Claims 1, 9, and 13 explicitly recite that after the re-accommodation determines one or more candidate flights and presents them to the user, the passenger selects which of the candidate flights to rebook the passenger on.

Accordingly, Slivka fails to disclose each and every element as recited in Claims 1, 9, or 13. Applicants therefore respectfully submit that Claims 1, 9 and 13 now define over the prior art. Applicants respectfully submit also that, whereas each of the other claims depends from one of Claims 1, 9, or 13 while reciting additional features, the dependent claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the
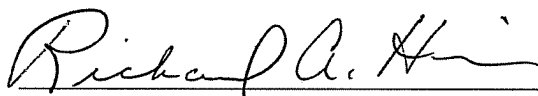
Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

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